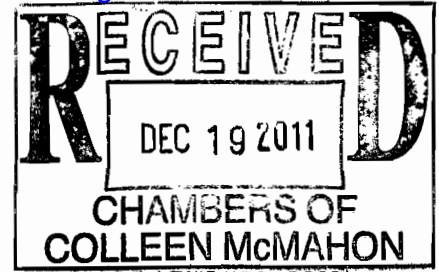


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* ADMITTED IN NY, NJ AND IL

MEMO ENDORSED

December 19, 2011

VIA FACSIMILE (212) 805-6326

Hon. Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

12/19/2011
We are presently working on the motion. No sur-reply, if filed, will be considered. To

Re: Oakley et. al. v. Verizon Communications, Inc. et al.,
09 Civ. 9175 (MHD)

Dear Judge McMahon:

We represent the plaintiffs in the above referenced matter. On October 11, 2011, plaintiffs filed a reply memorandum in further support of their motion for class certification. On November 9, 2011, defendants requested permission to file a sur-reply to this motion. The court granted defendants' request (limiting the sur-reply to five pages), but did not provide a filing deadline.

To date, no papers have been filed. I have telephoned and emailed Lori Almon, counsel for the defendants, to inquire if and when the sur-reply will be filed. Ms. Almon stated that a brief would be filed sometime in the future, but could not provide a date certain for the filing.

Given that 68 days have passed since plaintiffs filed their reply, and 39 days have passed since defendants were given permission to file their sur-reply, plaintiffs believe that defendants have had ample time to consider the issues and draft a five-page brief. Plaintiffs respectfully request that the court deem the motion fully submitted, or in the alternative, that the court order defendants to promptly file the sur-reply.

USDS SDN.
DOCUMENT
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DATE FILED: 12/20/11

Very truly yours,

[Signature]
Elaine Smith

cc: Lorie E. Almon, Esq. (via email)

Daniel E. Clifton, Esq. *(via email)*
Gabrielle Semel, Esq. *(via email)*
Mary K. O'Melveny, Esq. *(via email)*